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Attorney Docket No. TRNSV-013BC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Makower, et al.) Art Unit: 3736
)
Application No.: 09/710,332) Examiner: Isabella, D.
)
Filed: November 9, 2000)
)
For: Methods and Apparatus for)
Transmyocardial Direct Coronary)
Revascularization)

RESPONSE TO NOTICE OF OMITTED ITEMS AND PETITION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant is in receipt of a Notice Of Omitted Item(s) In A Nonprovisional Application mailed on June 6, 2001, indicating that pages 24, 25, 26, 34 and 35 of the specification were deemed to be missing from this *continuation* application.

As specifically stated in the transmittal letter that accompanied filing of this continuation application, the application as filed contained a total of 76 pages, including 57 pages of written specification, 17 pages of claims (Claims 1-83) and 15 sheets of drawings. Enclosed herewith is a true and exact black and white photocopy of the date stamped return postcard received from the Office mail room confirming that all 76 pages of this continuation application were in fact received by the Office. Also enclosed herewith are duplicate copies of pages 24, 25, 26, 34 and 35 of the specification, as filed on November 9, 2000.

Applicant hereby petitions for withdrawal of the Notice Of Omitted Item(s) In A Nonprovisional Application on grounds that pages 24, 25, 26, 34 and 35 of this continuation application were, in fact, received by the Office as evidenced by the return post card.

A copy of the Notice Of Omitted Item(s) In A Nonprovisional Application is enclosed herewith.

No fee is seen to be due in connection with this petition in view of the above-stated facts and the accompanying copy of the date stamped return post card. In the even that any fee(s) is/are properly deemed to be due in connection with this filing, the Commissioner is hereby authorized to charge such fee(s) to Deposit Account No. 50-0878.

STOUT, UXA, BUYAN & MULLINS, LLP

Date: August 6, 2001



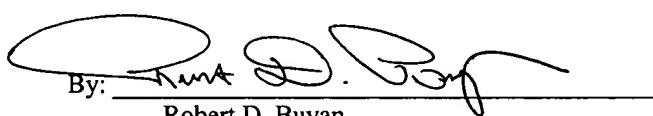
Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite #300
Irvine, CA 92618
Telephone: (949) 450-1750
Facsimile: (949) 450-1764

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on :

Dated: August 6, 2001



By: Robert D. Buyan



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/710,332	11/09/2000	Joshua Makower	TRNSV-013BC

CONFIRMATION NO. 5067

FORMALITIES LETTER



OC00000005987215

Robert D. Buyan
 STOUT, UXA, BUYAN & MULLINS, LLP
 Suite #300
 4 Venture
 Irvine, CA 92618

Date Mailed: 06/06/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 24,25,26,34 and35 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should

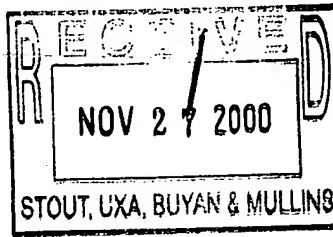
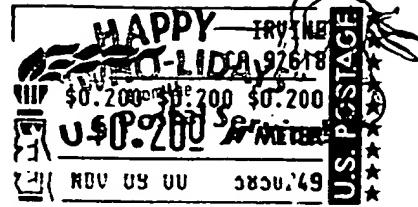
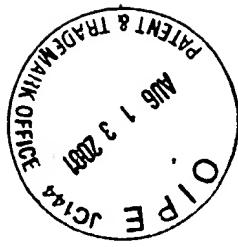
be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

[Signature]
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



ROBERT D. BUYAN

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Irvine, CA 92618

Applicant: McKee, et al. Docket: TRAV 01385
U.S. Serial Number: _____
Filed: Herewith
Title: Methods & Apparatus for Transmogrification
Date Mailed: 11-9-00 Date Due: _____

Enveloped:

Patent Application transmittal deposit account authorization
 Patent Application 76 pages 83 claims
 Provisional Patent Application transmittal deposit account authorization
 Provisional Patent Application pages claims
 Trademark Application transmittal letter deposit account authorization
 Trademark Application
 3 specimens Statement of Use Amendment to allege use
 Drawings: 15 sheet(s) of Informal formal & transmittal
 Check number: 2028-0-2032 in the amount of \$ 445. + \$473.-
 Declaration and/or Power of Attorney copy
 Assignment Recordation Cover deposit account authorization
 Small Entity Status form for: an individual a small business
 Response to notice to file missing parts of application
 Amendment transmittal letter deposit account authorization
 Amendment/communication accompanying the amendment transmittal letter
 Information Disclosure Statement
 Form PTO 1449 copies of the references listed
 NASA Declaration
 Issue Fee transmittal with deposit account authorization
 Petition for an extension of time 3 month(s)
 Status request letter

Certificate of Mailing by Express Mail first class mail